



CLEARING THE AIR

An APCD Workshop Series

- July 16** **APCD 101/Louisville's Air Quality**
- July 30** **Air Quality & Health/Reducing My Pollution Impact**
- Aug. 13** **Odors: Reporting and Responding**
- Aug. 27** **The APCD Regulatory Process**
- Sept. 10** **How We Monitor Air Quality**
- Sept. 22** **Understanding Risk: A Technical Workshop***
 (How to use EJ Screen, TRI, and other EPA data tools)
- Sept. 24** **The STAR Program/Environmental Justice**

QUESTIONS?
Call us at
(502) 574-6000

Workshops held at the Louisville Free Public Library, 301 York St.
Each session is 5:30-7 p.m.

*(*Technical Workshop 10 a.m.-2 p.m. Registration Required. Send email to ClearingTheAir@louisvilleky.gov)*

www.louisvilleky.gov/APCD



CLEARING THE AIR

An APCD Workshop Series

The APCD Workshop Series seeks to:

- Increase the community's understanding of Louisville's air quality and of APCD's many functions
- Provide information that will **empower** citizens
- Provide a more informal forum for Q&A with APCD and opportunity for feedback
- Improve related public outcomes



CLEARING THE AIR

An APCD Workshop Series

Today's workshop seeks to:

1. Help the community better understand APCD's regulatory process.
2. Identify opportunities for public participation throughout the regulatory process.



CLEARING THE AIR

An APCD Workshop Series

- There are no silly questions

- Public Participation =



- Interactive/Informal



- Ask questions as they come to mind
- Send feedback via email to Clearingtheair@louisvilleky.gov (also email to register to attend ***“Understanding Risk: A Technical Workshop”*** on Saturday, Sept. 22, 10 am-2 pm)

The APCD Regulatory Process

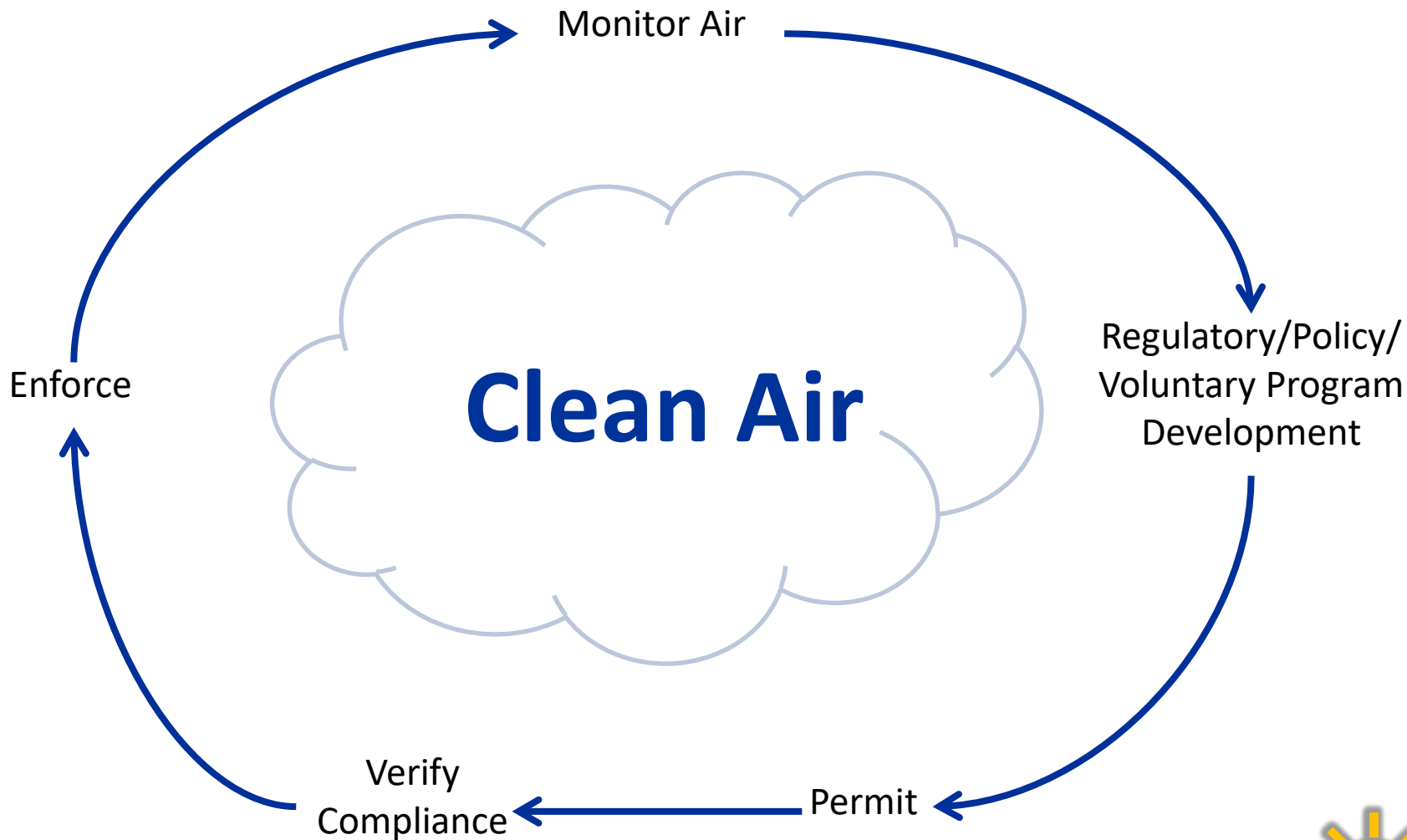
Air Pollution Control District
August 27, 2018



Roadmap

- **APCD's Regulatory Role**
- Permits
- Compliance and Enforcement





Laws & Regulations

- Air pollution in Louisville is controlled by both laws and regulations



- Laws
 - The acts, statutes, and ordinances passed by elected officials to govern an issue
 - Example: The Clean Air Act (CAA) is a federal law
- Regulations
 - Created by an agency to implement laws
 - Generally more specific than laws



APCD's Regulations may be found at www.louisvilleky.gov/government/air-pollution-control-district/air-pollution-regulations-and-laws

Clean Air Act §101

(a) Findings

The Congress finds—

- (1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;
- (2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development, and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;
- (3) that air pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source is the primary responsibility of States and local governments; and
- (4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

National Ambient Air Quality Standards (NAAQS)

- The Clean Air Act ([Clean Air Act §109](#)) requires EPA to set NAAQS ([40 CFR part 50](#))
- NAAQS are health-based standards that are periodically reviewed and strengthened over time by an independent body of reviewers from the scientific community
- EPA sets National Ambient Air Quality Standards for **six principal pollutants**, which are called “**criteria**” **air pollutants**

Criteria Pollutants

Carbon Monoxide (CO) – Fatigue/Headaches

Lead (Pb) – Neurological Effects

Sulfur Dioxide (SO₂) – Wheezing

Nitrogen Dioxide (NO₂) – Irritates Airways

Particulate Matter (PM_{2.5}, PM₁₀) – Aggravates Asthma

Ozone (O₃) – Irritates Respiratory System

State Implementation Plan (SIP)

- Required by [Clean Air Act §110](#) to be adopted by states to implement NAAQS “after reasonable notice and public hearings”



- “Infrastructure” SIP for whole state
 - Nonattainment SIPs for nonattainment areas
 - May contain: Regulations, Source specific requirements (RACT/RACM), Mobile Vehicle Emissions Budget (MVEB), Maintenance plan(s), Board Orders, Contingency measures
- Approved or disapproved by EPA

Kentucky’s SIP (including the Jefferson County portion) can be found at [40 CFR Part 52 Subpart S](#)

State Implementation Plan (SIP)



Other Delegated Authority

- [Title V/40 CFR Part 70/APCD Reg 2.16](#)
- New Source Performance Standards (NSPS) ([CAA §111/40 CFR Part 60/APCD Reg 7.02](#))
- National Emissions Standards for Hazardous Air Pollutants (NESHAP)/Maximum Available Control Technology (MACT) ([CAA §112/40 CFR Part 63/APCD Reg 5.02](#))
- Chemical Accident Prevention Provisions/Risk Management Plans (RMP) (CAA §112(r)/[40 CFR Part 68/APCD Reg 5.15](#))

Air Pollution Control Board

- [Kentucky Revised Statutes \(KRS\) Chapter 77](#)
- **77.070** – Board shall consist of 7 members
 - Unpaid citizens appointed by Mayor to 4 year terms
 - No more than 4 members of the same party
- **77.080** – Meeting required at least once a month
 - 3rd Wednesday of every month at 10:00 a.m.
 - 701 West Ormsby Avenue, Edison Room
- **77.115** – “The air pollution control board is hereby declared to be the governing body of an air pollution control district.”



Authority

- **77.155** – “A person shall not ... discharge into the atmosphere ... any air contaminant in quantities and for a period or periods in excess of applicable emission standards established by regulation by the air pollution control board.”
- **77.180** – “The air pollution control board of an air pollution control district may make and enforce all needful orders, rules, and regulations necessary or proper to accomplish the purposes of this chapter”
- **77.170** – Stricter local regulation not preempted

Scope of Regulatory Authority – True/False

The District can determine where air pollution sources are allowed to locate within Jefferson County.



False

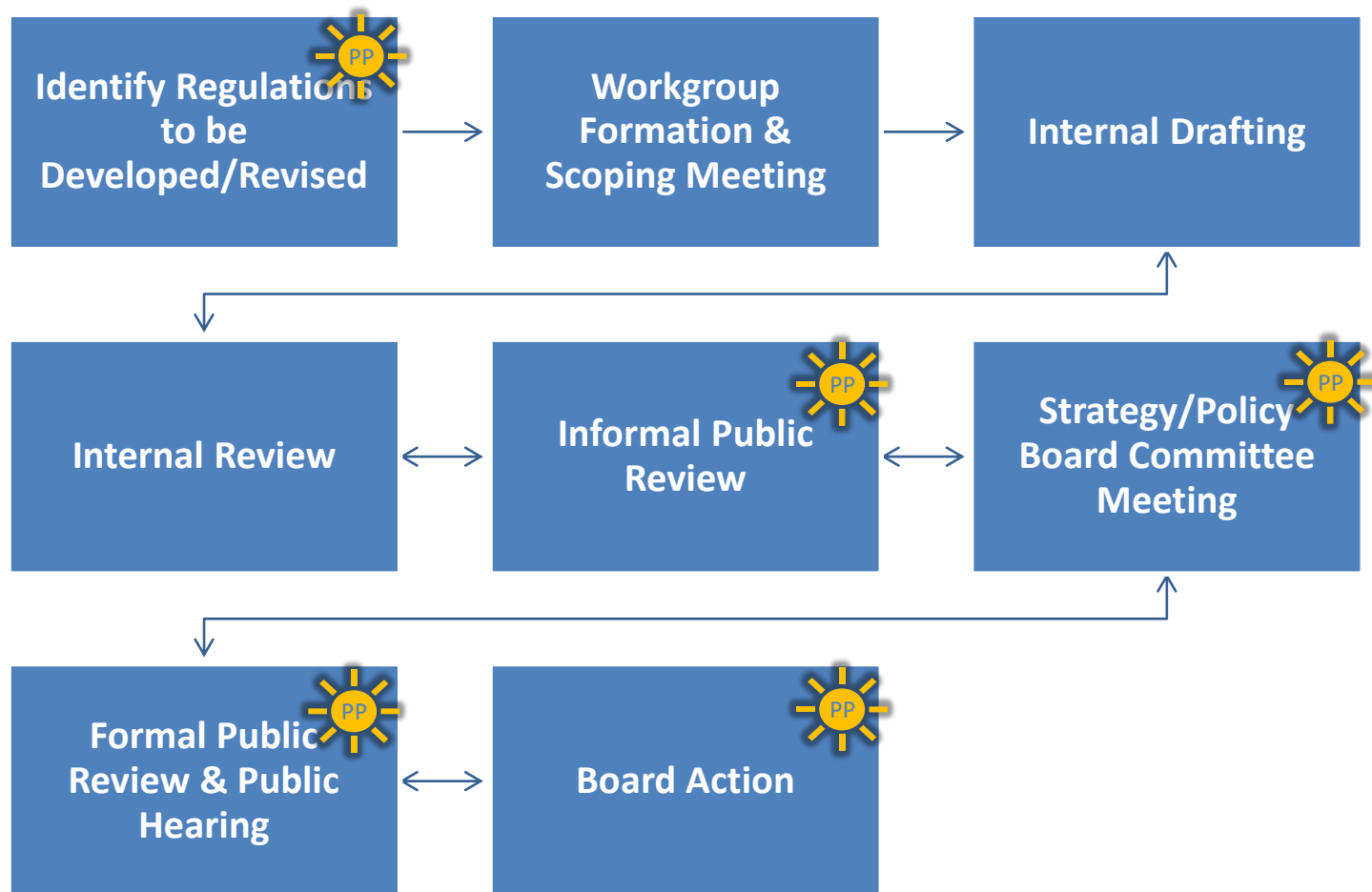
Scope of Regulatory Authority – True/False

The Board can adopt rules limiting air pollution which are stricter than either the Commonwealth of Kentucky or the Environmental Protection Agency.



True

Regulatory Program Development



Example - Strategic Toxic Air Reduction (STAR) Program

**1996 –
2000**

WJCCTF
formed;
WJCCTF
begins hosting
Monthly
Meetings

**Sept.
2004**

**First Draft
STAR
Program**

**July
2005**

**Adopted
STAR
Program**

**2000 –
2003**

West
Louisville
Air Toxics
Study

**Jan.
2005**


**Proposed
STAR
Program**

**2005 –
Present**

Implementation

APCD Proposed Actions

[Home](#) / [Government](#) / [City Departments](#) / [Air Pollution Control District](#)

[FEEDBACK](#) 

[Department Home](#)

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[About Air Pollution](#) >

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Proposed Actions (APCD)

This is a central place to find proposed regulations, proposed Board orders, proposed permits for large facilities, or other documents or actions that are (or will be) proposed for adoption by the Louisville Metro Air Pollution Control Board ("Board" below) or issuance by the Louisville Metro Air Pollution Control District (APCD). See the [types of items](#) below.

Proposed Action	Comment Period	Hearing Date & Organization
Proposed Title V Operating Permit O-0125-18-TV with LG&E Paddy's Run Station; Statement of Basis ; Legal Notice	08/19/2018 - 09/18/2018	Note 1
Proposed FEDOOP Construction Permit 314-08-C(R1) with Brown-Forman Distillery; Statement of Basis ; Legal Notice	07/28/2018 - 08/27/2018	Note 1

Department:

[Air Pollution Control District](#)

Service Category:

[Environment & Sustainability](#)

Contact

Air Pollution Control District
(502) 574-6000

701 W. Ormsby Ave.
Suite 303
Louisville, KY 40203
8 a.m. to 5 p.m. Monday-Friday



Note 1:

A public hearing may be scheduled if the APCD determines that there are germane, unresolved issues or substantial public interest, in accordance with [Regulation 2.07](#).

Note 2:

An advance notice of proposed rulemaking (ANPR) is a notice intended to solicit information from the public as the District considers proposing a future rule. If the District determines the amendments are warranted, it may recommend to the Policy Committee of the Louisville Metro Air Pollution Control Board that they be formally proposed, and released for a formal public comment period and scheduled for a public hearing at a later date.

[Comment on a Proposed Action](#)

Items that are being reviewed only by the IIS EPA are not listed here, but proposed Title V

AIR
POLLUTION
CONTROL
DISTRICT



Commenting

- Stay informed – sign up for notifications via [GovDelivery](#)



- How to comment on regulatory actions

- In person at hearings
- Form on Proposed Actions Page
- Email airregs@louisvilleky.gov
- Mail to



Rachael Hamilton, Board Secretary Treasurer
Air Pollution Control District
701 West Ormsby Ave.
Louisville, KY 40203

Commenting

- Actionable Comments
 - There are no bad comments
 - Only comments which can or cannot be acted on
 - Actionable comments are:
 - Timely
 - Pertinent/on topic
 - Within authority
 - At right step in process
 - Make an actionable request or recommendation

Actionable Comments on STAR – Which one resulted in a change?

Comment

We request clarification that all of our Belknap Campus R&D laboratories and academic teaching laboratories are Title V insignificant activities, and therefore meet the STAR program definition of de minimis.

Response

The issued Title V permit addresses the specific insignificant activities at a Title V stationary source.

Actionable Comments on STAR – Which one resulted in a change?

Comment

Where the [standard] cannot be met, to receive approval of modifications ...

- 1.) the applicant should be required to incorporate T-BAT, not merely to “consider” and “review” the available technologies;
- 2.) the applicant should be required to meet risk levels as close as can be achieved to the target, and whatever that “next best” value is should be incorporated as an enforceable standard;
- 3.) the applicant should be required to commit to implementation of enhanced LDAR and a malfunction prevention program.

Response

The District will recommend to the Board that compliance with T-BAT be required for approval of a modification to an EA goal.

With the recommended addition of a T-BAT requirement for approval of a modification to an EA goal, the second suggestion is also accomplished....

The District will recommend to the Board that equipment maintenance, which includes leak detection and repair, and upset condition prevention measures be added to the definition of T-BAT

Roadmap

- APCD's Regulatory Role
- **Permits**
- Compliance and Enforcement



Permits

- Permits specify the many air pollution regulations applicable to the source
- Permits explain how the source will comply with the regulations
 - Ex: Emissions
- More like a contract than a building permit
 - An agreement between the APCD and a regulated entity



Keys to Permitting Success

Plan. Communicate. Be flexible.
Collaborate.

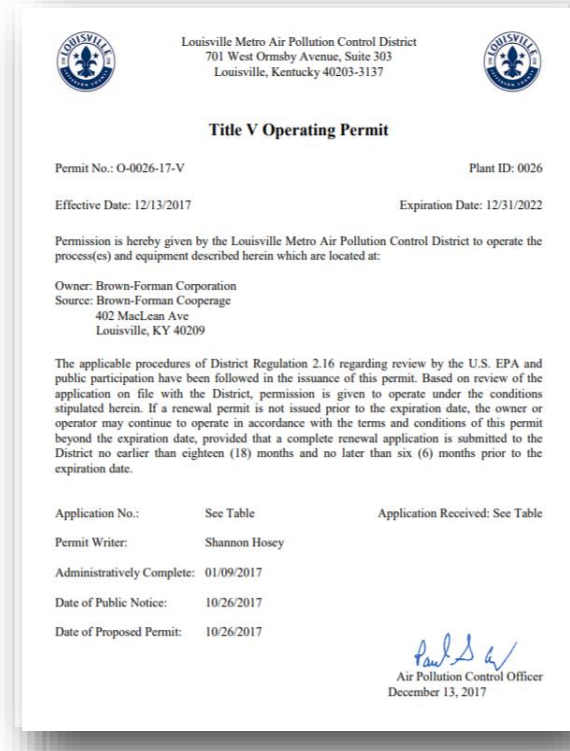
Permits

- There are no “typical” permits
 - Ex: LG&E Paddy’s Run Station:
 - Natural gas turbines
 - Used during peak power demand
 - Title V source
 - On the Ohio River
 - End of Bells Lane



Who needs a permit?

- **Exempt** – low potential emissions; no federal rules
- **Registered** – low actual emissions; federal rules
- **Minor** – “facility,” but low emissions
- **FEDDOOP** – major potential, but limited actual emissions
- **Title V** – large emitters



The image shows a 'Title V Operating Permit' issued by the Louisville Metro Air Pollution Control District. The permit is for Plant ID: 0026, Permit No.: O-0026-17-V, and is effective from 12/13/2017 to 12/31/2022. It is issued to Brown-Forman Corporation, located at 402 MacLean Ave, Louisville, KY 40209. The permit allows the owner to operate the process(es) and equipment described herein. The permit is signed by the Air Pollution Control Officer, Paul D. H., on December 13, 2017.

Louisville Metro Air Pollution Control District
701 West Ormsby Avenue, Suite 303
Louisville, Kentucky 40203-3137

Title V Operating Permit

Permit No.: O-0026-17-V Plant ID: 0026

Effective Date: 12/13/2017 Expiration Date: 12/31/2022

Permission is hereby given by the Louisville Metro Air Pollution Control District to operate the process(es) and equipment described herein which are located at:

Owner: Brown-Forman Corporation
Source: Brown-Forman Cooperage
402 MacLean Ave
Louisville, KY 40209

The applicable procedures of District Regulation 2.16 regarding review by the U.S. EPA and public participation have been followed in the issuance of this permit. Based on review of the application on file with the District, permission is given to operate under the conditions stipulated herein. If a renewal permit is not issued prior to the expiration date, the owner or operator may continue to operate in accordance with the terms and conditions of this permit beyond the expiration date, provided that a complete renewal application is submitted to the District no earlier than eighteen (18) months and no later than six (6) months prior to the expiration date.

Application No.: See Table Application Received: See Table

Permit Writer: Shannon Hosey

Administratively Complete: 01/09/2017

Date of Public Notice: 10/26/2017

Date of Proposed Permit: 10/26/2017

Paul D. H.
Air Pollution Control Officer
December 13, 2017

Applying for a Permit

- Construction permit – really “pre-construction”
 - Not about the actual construction
- Operating Permit
 - Renewable permit with all emission units and conditions
- Elements of application
 - Ownership/Contact info
 - Identification of equipment that creates air pollution
 - Potential emissions
 - Applicable regulations
 - Compliance demonstration methods



What's in a permit?

- Statement of Basis
 - Meant as a “summary” of the permit contents
- Standards
 - Many are specifically prescribed in the regulations
 - Some are developed during the permitting process
 - They are not just numeric standards
 - Work practices – keep access ports closed on tanks
 - General Duty – employ good air pollution control practices
- Monitoring/Recordkeeping
 - Production rates, temperature, pressure, material contents
 - Have to document the monitoring



What's in a permit?

- Reporting
 - Clearly identify deviations from compliance
 - Usually a subset of the monitoring info
- Testing
 - Initial and periodic
 - Third party testers
 - EPA test methods



Public Participation

- Receive notifications about permits
 - Subscribe to APCD's electronic mailing list
- Title V Construction
- FEDOOP and Title V operating
- Open Records Request
 - Can be made for any permit at any time



Roadmap

- APCD's Regulatory Role
- Permits
- **Compliance and Enforcement**



Compliance & Enforcement

- To ensure compliance with the permits, and the underlying regulations we:
 - Perform Industrial Inspections and Review Periodic Reports
 - Perform Investigations into community issues like odors and dust
 - Provide Compliance Assistance to help people follow the rules
 - When necessary, use Enforcement to compel compliance

Industrial Compliance

- US EPA requires Full Compliance Evaluations at least:
 - TV – once every 2 years
 - FEDOOP – once every 5 years
- Review reports as they come in
 - Annual, semi-annual, quarterly, compliance certification, emissions inventory, stack tests, excess emissions
- Partial Compliance Evaluations

Community Compliance

- Investigations during routine surveillance and in response to community complaints
- Document compliance with General Provisions:
 - Regulation 1.11 Control of Open Burning
 - Regulation 1.13 Control of Objectionable Odors to the Ambient Air
 - Regulation 1.14 Control of Fugitive Particulate Emissions



**Odor
Control**

Compliance Assistance

- Small Business Compliance Assistance Coordinator
 - Full time dedicated position for small sources
- Inspectors and Compliance Officers
 - Highest priority is having a citizen or a company correct deviations

Enforcement

- Warning Letter
- Notice of Violation
 - Settlement less than \$5,000
 - Agreed Board Order more than \$5,000
 - Administrative Hearing if agreement is not possible

Public Participation

- Public Comment on Agreed Board Orders
- Monthly Board Reports
 - Excess Emissions Event Report
 - Enforcement Status Report
- Enforcement and Compliance History Online (ECHO) – EPA Database



Open Records Request

- How do I file an open records request to the APCD?
 - Preferably, complete this [online form](#)
 - Or print [this form](#) and fill it out, then send it via:
 - **Fax:** (502) 588-3121
 - Or **Mail:** Open Records Request, Louisville Metro Office of Management & Budget, 611 W. Jefferson St., Louisville, KY 40202
- How long does it take?
 - APCD responds to requests within 3 business days to provide any responsive records or to inform you when the documents will be available

Resources

Air Pollution Control District

Louisvilleky.gov/APCD

[APCD Board](#)

[Proposed Actions](#)

[Open Records Request](#)

EPA Laws & Regulations

[Clean Air Act \(CAA\)](#)

[CAA Requirements and History](#)

[Plain English Guide to the Clean Air Act](#)

[Code of Federal Regulations \(CFR\)](#)

EPA Enforcement and Compliance (ECHO) Database

Echo.epa.gov

Questions?

Louisville Metro Air Pollution Control District

701 W. Ormsby Ave.

Ste. 303

Louisville, Ky. 40203

(502) 574-6000

www.louisvilleky.gov/APCD

Keith H. Talley Sr., Director